

**NOTICE OF PUBLIC MEETING  
OF THE  
ARIZONA CRIMINAL JUSTICE COMMISSION  
AND  
AGENDA**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the **Arizona Criminal Justice Commission** and to the general public that the **Arizona Criminal Justice Commission** will hold a meeting open to the public on **July 17, 2008**, beginning at **2:00 p.m.** at the **Little America Hotel, 2515 East Butler Avenue, American C Room, Flagstaff, AZ 86004**.

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Criminal Justice Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission Office at (602) 364-1146. Requests should be made as early as possible to allow time to arrange the accommodation.

The Commission may go into Executive Session on any of the following agenda items for the purposes of receiving legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Agenda for the meeting is as follows:

- I. Call to Order and Roll Call** **Acting Chairperson Ralph Ogden**
- II. Minutes of the May 22, 2008 Meeting**
  - Approval of Minutes **P-F-T**
- III. Selection of a Chairperson and Vice Chairperson**

**John A. Blackburn, Jr.**

  - Review, discussion, consideration and possible action on the selection of a Chairperson and Vice Chairperson for the Arizona Criminal Justice Commission. **P-F-T**
- IV. Executive Director's Report** **John A. Blackburn, Jr.**
  - A. Staff Update** **Info**
  - B. Budget Update** **Info**
  - C. Legislative Update** **Info**

**V. FY09 Full Service Forensic Crime Laboratory Grant Program**

**Pat Nelson**

- Review, discussion, consideration and possible action on the FY09 Full Service Forensic Crime Laboratory grant proposals and allocations.

**P-F-T**

**VI. Drug and Gang Enforcement Account Administrative Program Rules**

**Tony Vidale**

- Review, discussion, consideration and possible action on rules changes to the Drug and Gang Enforcement Account Program.

**P-F-T**

**VII. FY09 Gang Prosecution Grant Awards**

**Tony Vidale**

- Review, discussion, consideration and possible action on funding cuts to FY09 Gang Prosecution Grant Awards.

**P-F-T**

**VIII. Call to the Public**

Those wishing to address the Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

**IX. Date, Time, and Location of Next Meeting**

- The next Commission meeting will be held on **Thursday, September 18, 2008 at 1:30 p.m.** at 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

**X. Adjournment**

A copy of the agenda background material provided to Commission members is available for public inspection at the Arizona Criminal Justice Commission Office, 1110 West Washington, Suite 230, Phoenix, Arizona 85007, (602) 364-1146. This document is available in alternative formats by contacting the Commission Office.

# ARIZONA CRIMINAL JUSTICE COMMISSION

## Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 17, 2008	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the May 22, 2008 Meeting

**TO:** Chairperson and Commission Members

**FROM:** John A. Blackburn, Jr.  
Executive Director

### RECOMMENDATION:

The Commission approve the minutes of the Arizona Criminal Justice Commission meeting held on May 22, 2008.

### DISCUSSION:

N/A

### FISCAL IMPACT:

N/A

### ALTERNATIVES:

Not Approve - Modify - Table

**Arizona Criminal Justice Commission  
Minutes  
May 22, 2008**

A public meeting of the Arizona Criminal Justice Commission was convened on May 22, 2008 at the Arizona Criminal Justice Commission 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

**Members Present:**

Ralph Ogden, Acting Chairperson, Yuma County Sheriff  
Kelly Anderson, Mayor, City of Maricopa, Paul Jepson representing  
John Armer, Gila County Sheriff  
Joseph Arpaio, Maricopa County Sheriff, Jesse Locksa representing  
Duane Belcher, Chairperson, Board of Executive Clemency, Erin Warzecha representing  
Dave Byers, Director, Administrative Office of the Courts  
Clarence Dupnik, Pima County Sheriff, George Heaney representing  
Terry Goddard, Attorney General  
Dan Hughes, Chief, Surprise Police Department  
Barbara LaWall, Pima County Attorney  
Richard Miranda, Chief, Tucson Police Department  
David Sanders, Pima County Chief Probation Officer  
Dora Schriro, Director, Department of Corrections, Dona Markley representing  
Linda Scott, Former Judge  
George Silva, Santa Cruz County Attorney, Liliana Ortega representing  
Carl Taylor, Coconino County Supervisor  
Andrew Thomas, Maricopa County Attorney, Phil MacDonnell representing  
Roger Vanderpool, Department of Public Safety, David Felix representing

**Staff Participating:**

John A. Blackburn, Jr., Executive Director  
Mary Marshall, Public Information Officer  
Susan Preston, Human Resources Manager  
Tony Vidale, Program Manager  
Wendy Boyle, Executive Secretary

**I. Call to Order and Roll Call**

The meeting was called to order by Acting Chairperson Ralph Ogden at 1:35 p.m. Roll was taken and a quorum was declared present.

**II. Minutes of the March 18, 2008 Meeting**

Acting Chairperson Ogden called for a motion on the minutes. Commissioner Carl Taylor entered a motion to approve the minutes of the March 18, 2008 meeting. The motion seconded by Commissioner Terry Goddard passed unanimously.

**III. Nominating Committee for Vice Chairperson**

Executive Director Blackburn announced that since former Commissioner Doug Bartosh accepted another position with City of Cottonwood, the position of Chairperson was open. Vice Chairperson Ralph Ogden has expressed interest in fulfilling the Chairperson position, which creates a vacancy for the Vice Chairperson. The process for nomination of Vice Chairperson are as follows: 1.) Commission members who wish to be included in the nomination will make it known to the Nominating Committee; 2.) If multiple Commission members wish consideration for the nomination, the Committee will take a popular vote; and 3.) Commission members elected by popular vote will move forward in the process for a final vote to be taken at the July 17, 2008 Commission meeting. Nominations shall be addressed to Executive Director Blackburn and forwarded to the Nominating Committee by June 13 and recorded by June 27.

Commissioner Carl Taylor entered a motion to form the nominating committee. The motion seconded by Commissioner Dave Byers passed unanimously.

#### **IV. Executive Director's Report**

##### **A. Staff Update and Program Reviews**

Executive Director Blackburn informed the Commission of the temporary absence of two ACJC staff members, Kathy Karam, Program Manager and Tiffany Ashworth, Grant Coordinator. Their absence will require staff to take a team approach in rendering support to the Drug, Gang and Violent Crime Program. Executive Director Blackburn explained ACJC did not fill the research position that was vacated last year and the vacancy savings from the position had to be returned to the general fund. ACJC also requested to fill a research position for the FY08 budget and was turned down by the legislature. ACJC is also outsourcing the IT functions rather than filling the IT position and with the challenge of FY09 budget ahead, the results are unknown as to whether a contract can continue.

On the state legislative side, the Joint Legislative Budget Committee is considering reducing the DEA, CJEF and Victim monies. Staff will continue to update the Commission on the state budget.

##### **B. Presentation of legislative issues for the 2008 session**

Mary Marshall, Public Information Officer reported on the DUI Abatement fund and discussed how the state legislature swept \$1.2M rather than the original sum of \$2.1M.

Other bills of interest to ACJC are SB 1274 and SB 1412. SB 1274 tasks ACJC with collecting and disseminating information on best practices for cold case investigations. Ms Marshall indicated that a page on the ACJC website would be used as a clearinghouse for cold case best practices. The purpose for SB 1412 is for government entities to establish policies for retaining and preserving biological evidence in cold cases. Ms. Marshall stated this bill has passed through the House; the Senate and is ready to go to conference committee to work out the amendments.

##### **C. Presentation of the Paul Coverdell Forensic Science Improvement program audit**

Executive Director Blackburn commented on the review of the Paul Coverdell Forensic Science Improvement program by the federal examiners and reported ACJC passed the audit with exceptional scores.

##### **D. New Travel Claims process for Non-Compensated Board and Commission Members**

Susan Preston, Human Resources Manager spoke on the new non-compensated board and commission travel policy that went into effect January 1, 2008. For all non-state employees who serve on the commission or as a commission designee, an EIN number must be assigned in order to process reimbursements. Ms. Preston urged the Commissioners to have the forms completed prior to Pow Wow to insure travel compensation is not delayed.

The Executive Director's report was presented for informational purposes and did not require Commission action.

#### **V. FY08 General Fund Appropriation Reduction**

Executive Director Blackburn explained how \$100,000 was reduced from the special prosecution grants by the legislature to balance the FY08 state budget. The reductions to FY08 programs must come from the last quarter of the fiscal year, which ends June 30, 2008. Staff recognized that \$46,450 would be unexpended as a result of vacancy savings from some projects. Using the \$46,450 in unexpended funds toward the \$100,000 reduction will result in a \$53,550 cutback to existing projects. Executive Director Blackburn presented the recommendation of the Drug, Gang and Violent Committee that the Commission approve the reduction of the Gang Prosecution Program by \$53,550 and fund the deficit with an increase in the same amount from the Drug and Gang Enforcement Account (DEA).

Designee Jesse Locksa moved and Commissioner Dan Hughes seconded the motion that the recommendation of the Committee be accepted to utilize \$46,450 in vacancy savings from the FY08 Obscenity Prosecution program and transfer funds in the amount of \$53,550 from the DEA fund to support the Gang Prosecution projects in FY08 as shown on the chart on page 17 of the agenda. The motion carried.

#### **VI. FY09 Special Prosecution Grant Grants**

##### **A. Gang Prosecution Grant Awards**

Executive Director Blackburn reported to the Commission that the legislature is expected to appropriate \$894,200 in lapsing funds to the Commission in FY09. This award represents a \$100,000 reduction from the original FY08 general funds appropriation. Executive Director Blackburn explained that an alternative solution to cutting back on programs is to use the \$100,000 in the DEA account to cover the general fund deficit for FY09. The Commission was directed to the chart on page 19 of the agenda that shows the proposed FY09 awards of \$603,200 in FY09 Gang program funds consisting of \$503,200 in general funds (if approved by the legislature) and \$100,00 in the DEA funds as recommended by the Drug, Gang and Violent Crime Committee.

Designee Jesse Locksa moved and Commissioner Barbara LaWall seconded the motion that the recommendation of the Committee be accepted to fund the FY2009 Gang Prosecution program at \$603,200 using \$503,200 from the general fund appropriation (if approved by the legislature) and \$100,000 from the Drug and Gang Enforcement Account. The motion carried.

##### **B. Aggravated Domestic Violence Prosecution, Obscenity Prosecution and Sexual Exploitation of Children Investigative/Prosecution Grant Award**

Executive Director Blackburn presented the remaining balance of the Special Prosecution fund of \$391,000 (if approved by the legislature) for Aggravated Domestic Violence, Obscenity Prosecution and Sexual Exploitation of Children Investigative/Prosecution Grant Awards as recommended by the Drug, Gang and Violent Crime Committee. Executive Director Blackburn explained that staff worked with the recipients allowing the grant applicants to classify their own distinctive needs, as limited funding is available.

Commissioner Terry Goddard moved and Commissioner Dave Byers seconded the motion that the recommendation of the Committee be accepted to approve the FY09 awards of \$391,000 as shown in Table 1 on page 21 of the agenda for the period beginning July 1, 2008 and ending June 30, 2009. The motion carried.

**VII. Arizona Drug, Gang and Violent Crime Control Grant Program**

Executive Director Blackburn reported that thirty-five agencies applied for funding in the amount of \$17,982,837 during the Cycle 22 Drug, Gang and Violent Crime Control grant solicitation. The amount available for distribution is \$12,208,380 in federal, state and local cash matching funds. Staff used outcome measures from Cycle 21 projects in recommending awards for this grant cycle. Two projects were not funded; one due to the scope of the project being incompatible with the grant solicitation and the second due to a low score and low performance. Staff contacted the agencies who did not meet the requirements.

After review and discussion, Commissioner Dave Byers moved and Designee Jesse Locksa seconded the motion to approve the award of Cycle 22 Drug, Gang and Violent Crime Control grant funds in the amount of \$12,208,380 as shown in Table 1 on page 25 of the agenda for the period beginning July 1, 2008 and ending June 30, 2009; with the stipulation that projects scoring 60% or less be recommended for a 1 year probationary term during which the performance must be significantly improved to be considered for future funding. The motion carried.

**VIII. Residential Substance Abuse Treatment (RSAT) Program**

Executive Director Blackburn informed the Commission that staff recently was notified that the FFY08 RSAT award to Arizona is \$213,834. ACJC provides funding for the five RSAT programs that have been allocated under extension agreements because of lack of resources to support new projects. The amount available is \$255,801 that includes a 25% match, the deduction of administrative costs, and the addition of unobligated funds from FY08.

Commissioner Dave Byers moved and Commissioner Barbara LaWall seconded the motion to approve the extension of the current grants until December 30, 2008; with an amount not to exceed 50% of the FY08 award and that all carry over funds from FY08 be fully expended prior to the release of new RSAT funding. The motion carried.

**IX. Crime Victim Compensation Program**

**A. Designation of Operational Units**

Tony Vidale, Program Manager presented the recommendation of the Crime Victims Committee that the Commission designate the fifteen County Attorneys' offices as the operational units for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Commissioner Linda Scott motioned that the Commission approve the designation of the fifteen County Attorneys' offices as operational units for the FY09 Crime Victim Compensation Program. The motion was seconded by Designee Jesse Locksa and unanimously adopted by the Commission.

**B. FY09 Program Budget**

Tony Vidale, Program Manager presented the recommendation of the Crime Victims Committee that the Commission set a \$2,800,000 with \$50,000 held for set aside as required by Program Rule R10-4-102, D.

Commissioner Linda Scott motioned that the Commission adopt a \$2,800,000 budget for the FY09 Crime Victim Compensation Program as shown on page 31 of the agenda setting aside \$50,000 for emergency use as required by the program rules. The motion was seconded by Designee Erin Warzecha and unanimously adopted by the Commission.

**C. FY09 Program Allocations**

Tony Vidale, Program Manager presented the recommendation of the Crime Victims Committee that the Commission allocate funds of \$2,800,000 to the designated operational units in the state's fifteen counties.

Commissioner Linda Scott motioned the Commission approve that funds in the amount of \$2,800,000 be distributed according to the chart shown on page 33 of the agenda. The motion was seconded by Commissioner Barbara LaWall and unanimously adopted by the Commission.

**D. FY08 Redistribution of State Victim Compensation Funds**

Tony Vidale, Program Manager presented the recommendation of the Crime Victims Committee that the Commission redistribute Crime Victim Compensation funds for FY08 to eligible operational units. Mr. Vidale explained the redistribution of funds policy was approved by the Commission in March 2008. The funds are set to expire June 30, 2008 and must be expended by the operational unit by that date.

Commissioner Linda Scott moved and Designee Erin Warzecha seconded the motion that the funds be distributed to the operational units as shown on page 35 of the agenda. The motion carried.

**X. Crime Victim Assistance Program**

**A. Consideration of Late Victim Assistance Grant Applications**

Tony Vidale, Program Manager presented the recommendation of the Crime Victims Committee that the Commission consider the acceptance of the FY09 Crime Victim Assistance Grant applications from the Cochise County Attorney's Office, Graham County Attorney's Office, Maricopa County Attorney's Office, Peoria Police Department, and EMPACT-SPC.

Following discussion, a motion was made by Commissioner Dan Hughes, seconded by Commissioner Terry Goddard and unanimously agreed to accept the late Victim Assistance Grant Applications.

***B. FY09 Criminal Justice Government Agencies Grant Awards***

Tony Vidale, Program Manager presented the recommendation of the Crime Victims Committee that the Commission award FY09 Crime Victim Assistance funds for a total of \$640,000 under Option 2 to the criminal justice government programs eligible to serve on the Commission which includes the acceptance of the late grant applications.

Upon review and recommendation of the Committee, Commissioner Linda Scott moved and Commissioner Barbara LaWall seconded the motion to award the funds to the applicant agencies under Option 2 on page 50 of the agenda. The motion carried.

***C. FY09 Nonprofit and other Government Agencies Grant Awards***

Acting Chairperson Ogden asked if there were representatives from the nonprofit and other government agencies who would like to address the Commission. Kerry Ramella, Phoenix City Fire Department spoke on behalf of the agency. Ms. Ramella stated Option 2 impacts the agency's program where as Option 1 without the late applications would allow the current service funding level to cover the program's deficit budget.

Commissioner Linda Scott motioned the Commission award FY09 Crime Victim Assistance funds to the non-profit and other governmental agencies not eligible for membership on the Commission under Option 2 of page 50 of the agenda which includes late applications. The motion was seconded by Commissioner Barbara LaWall and passed unanimously.

**XI. ACJC grant applications procedures**

Executive Director Blackburn reported that historically the Commission has made the practice of accepting late applications; however, research has found that other state and federal agencies do not make allowances for late grant applications. The processing of late applications has significantly increased staff's workload adding additional steps to an already arduous process; to include developing numerous budgets to anticipate the decisions and impact late applications have on funding decisions. Executive Director Blackburn also referred to the difficulty ACJC faces in trying to justify fairness in the practice of accepting late applications when an overwhelming number of applicants comply with the grant solicitation deadline. Executive Director Blackburn stressed staff will take steps in contacting the agencies for any personnel changes as was discussed by agencies who submitted late applications at the Crime Victims Committee meeting.

After review and discussion, Commissioner Dan Hughes moved and Commissioner Carl Taylor seconded the motion to approve the policy to no longer accept late grant applications. The Commission continued with discussion. Commissioner Barbara LaWall called for a question on the motion. Commissioner Dan Hughes repeated the motion to approve the policy no longer accept late grant applications. Acting Chairperson Ogden stated there was a seconded motion on the table and asked for a show of hands to vote. A vote by show of hands resulted as follows: Ayes – 13, Noes – 4. The motion carried.

**XII. Award Presentation**

Acting Chairperson Ogden recognized Chief Richard Miranda, Commission member for his years of service and dedication to the Arizona Criminal Justice Commission and the criminal justice system.

**XIII. Call to the Public**

Acting Chairperson Ogden made a call to the public. No members of the audience addressed the Commission.

**XIV. Date, Time, and Location of Next Meeting**

The next Arizona Criminal Justice Commission meeting will be held on Thursday, July 17 at 2:00 p.m. at Pow Wow, Little America Hotel, Flagstaff, AZ.

**XV. Adjournment**

The meeting was adjourned at 3:30 p.m.

Respectfully submitted,



John A. Blackburn, Jr.  
Executive Director

Audio recording is available upon request.



## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 17, 2008	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Selection of a Chairperson and Vice Chairperson for the Commission

**TO:** Chairperson and Commission Members

**FROM:** John A. Blackburn, Jr.  
Executive Director

#### RECOMMENDATION:

The Commission select a Chairperson and Vice Chairperson to fulfill the remainder of the current term and then the regular term through January 2010.

#### DISCUSSION:

The Nominating Committee was formed and will make a recommendation to the full Commission. The Commission will then vote to fill the positions.

#### FISCAL IMPACT:

N/A

#### ALTERNATIVES:

Not Approve - Modify - Table





## ARIZONA CRIMINAL JUSTICE COMMISSION Policy and Procedure

Subject

**SELECTION OF CHAIRPERSON & VICE  
CHAIRPERSON**

Policy Number  
**CJC-115**

Effective Date  
**01/23/2003**

Supersedes: 11/12/02

### INTRODUCTION

This policy establishes the procedures for the formal selection of a Chairperson and Vice Chairperson from within the ranks of the appointed and ex-officio members of the Arizona Criminal Justice Commission (as outlined in ARS§41-2404). These procedures allow for smooth transition of leadership and insure orderly succession. This policy may be waived, as deemed appropriate by a vote of the Commission as a standing body.

### POLICY AND PROCEDURES

1. Definitions: The following terms used in this policy may also be found in CJC 101 of the Arizona Criminal Justice Commission manual and, where appropriate, in ARS§41-2404.
  - A. "Chairman"(Chair or Chairperson) means the person selected by the members of the Commission (as outlined in ARS§41-2404) to provide general oversight and consultation to the Executive Director; assure that the Commission meets as required by mission and statute; Chair and conduct Commission regular and special meetings; approve meeting agendas and any and all other functions deemed appropriate by the Commission as a body or outlined in ARS§41-2404.
  - B. "Vice Chairman"(Vice Chairperson) means the person who, in the absence of the Chairperson (or when asked by the Chairperson), exercises the authority of the Chair on behalf of the Commission and its members as outlined in ARS§41-2404.
  - C. "Nominating Committee" means the official sub-committee called together by the Chairperson to receive formal nominations for Chairperson and Vice Chairperson elect positions. This committee shall be comprised of currently appointed past Chairs of the full Commission. If less than three

former Chairs are available and willing to serve then the Chairperson shall appoint the Commissioners to bring the committee to three members.

**D.** "Term of Chairperson and Vice Chairperson" means the term of office in which members selected from within the ranks of the appointed and ex-officio members of the Arizona Criminal Justice Commission hold these two positions. Terms shall run from the first regular meeting of the Commission in a calendar year for a period not to exceed 24 months. The Vice Chairs may normally succeed the outgoing Chairperson, unless this policy is waived by vote of the Commission or other circumstances dictate.

**E.** "Nominations for Chair and/or Vice Chair" shall be announced in open, public meeting(s), seconded and voted upon by the entire Commission. Those members interested in being considered for either of these two positions will formally notify the nominating committee in writing during the period of time deemed necessary by the committee and shall follow the normal selection process.

## **Procedure:**

### **2. Normal Selection**

**A.** Formation of the nominating committee/calls for nominations for Chairperson and Vice Chairperson.

**1.** During the remaining ninety days of a currently seated Chairperson's term in their position, the Commission shall formally announce the formation of the nominating committee and the time frame for the formal nomination process. If in the process the nominating committee finds that a currently seated Vice Chair wishes to become the Chair-elect, then the focus shall shift to selection of a Vice Chair-elect.

**2.** If multiple members wish consideration for any of those open nominations, a written ballot containing the names of each potential nominee will be prepared at the direction of the Chair and sent to each Commissioner for vote and returned to the committee for tally.

**3.** Only those selected by popular vote will move forward in open meeting for consideration by the committee.

## **Procedure:**

### **3. Special Selection**

#### **A. Requests to waive the policy/nominations from the floor.**

**1.** In the event that a seated Chair and/or Vice Chair cannot fulfill the term of these positions or in the event the Commission as a body wishes to waive this policy for a specific election, the following procedures will take place:

**a.** If both the Chairperson and Vice Chairperson are unable to fulfill their positions, the most senior Commissioner shall assume the role of Chair pro tem. The Chair pro tem shall instruct the Executive Director to post on either a special or regularly scheduled Commission meeting a notice for open floor nominations for the Chairperson and Vice Chair. The Chair pro tem shall preside over all duties, as outlined in ARS§41-2404 until replaced by popular vote in an open meeting.

**2.** The Chair for reason of excused absence, may ask any seated member of the Commission to act as Chair for a meeting (in the event of conflict or absence of the Vice Chair. During these meetings the Acting Chair has the full authority of the Chair or Vice Chair.

**B.** If a member of the Commission wishes to petition this body to waive this policy for a specific election, he/she shall notify the Chairperson in writing of this decision no later than 36 hours before the time and date of the posted meeting.

**1.** The Chairperson shall instruct the Executive Director to have published and posted an amended agenda with an action item for consideration by the Commission as a body, first to waive the process and then to formally accept nominations with a popular vote.

**2.** When this item comes before the Commission, the Chair will call on the member to explain the request and then call for movement of the request and a second. As in all Commission business, Robert's Rules of Order shall prevail.

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 17, 2008	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report

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**TO:** Chairperson and Commission Members

**FROM:** John A. Blackburn, Jr.  
Executive Director

**RECOMMENDATION:**

Information Only

**DISCUSSION:**

Executive Director Blackburn will discuss staff updates and programs.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 17, 2008	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report

**TO:** Chairperson and Commission Members

**FROM:** John A. Blackburn, Jr.  
Executive Director

**RECOMMENDATION:**

Information Only

**DISCUSSION:**

Executive Director Blackburn will update the Commission on the final budget passed by the legislature for FY09.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

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Action Requested:	Type of Action Requested:	Subject:
July 17, 2008	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report

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**TO:** Chairperson and Commission Members

**FROM:** John A. Blackburn, Jr.  
Executive Director

**RECOMMENDATION:**

Information Only

**DISCUSSION:**

Mary Marshall will provide an overview and report for the 2008 state legislative session and will update the Commission on the federal legislation and appropriation progress to date.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

## ARIZONA CRIMINAL JUSTICE COMMISSION

## Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 17, 2008	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY09 Full Service Forensic Crime Laboratory Grant Program

**TO:** Chairperson and Commission Members

**FROM:** Pat Nelson, Program Manager  
CJ System Improvements Program

**RECOMMENDATION:**

The Commission approve the FY09 Full Service Forensic Crime Laboratory grant allocations as recommended by the Information Technology and Systems Improvement Committee.

**DISCUSSION:**

Arizona Revised Statute § 41-2421, commonly referred to as "Fill the Gap", directs that monies collected pursuant to section 12-116.01, subsection B shall be allocated in part to the Arizona Criminal Justice Commission for distribution to state, county and municipal law enforcement full-service forensic crime laboratories pursuant to rules adopted by the Arizona Criminal Justice Commission.

Full Service Forensic Crime Laboratory grant applications were received from all five laboratories for the grant program cycle of July 1, 2008 through June 30, 2009. Staff reviewed the requests as outlined in the attached table.

The Information Technology and Systems Improvement Committee will meet and make a recommendation to the Commission.

**FISCAL IMPACT:**

Significant to recipient agencies

**ALTERNATIVES:**

Not Approve - Modify - Table

## Proposed FY 2009 Funding Allocation

<b>Funding Recipient</b>	<b>Total FY 2009 Allocation pursuant to ARS 41-2421 (J)(5)</b>	<b>Base Allocation</b>	<b>Population Percentages</b>	<b>Population Allocation</b>	<b>Proposed Allocation</b>
	<b>\$1,500,000</b>	<b>\$700,000</b>		<b>\$800,000</b>	<b>\$1,500,000</b>
AZ Department of Public Safety (3 labs)		\$300,000	55%	\$440,000	\$740,000
Mesa Police Department		\$100,000	7%	\$56,000	\$156,000
Phoenix Police Department		\$100,000	22%	\$176,000	\$276,000
Scottsdale Police Department		\$100,000	4%	\$32,000	\$132,000
Tucson Police Department		\$100,000	12%	\$96,000	\$196,000
<b>Totals:</b>	<b>\$1,500,000</b>	<b>\$700,000</b>	<b>100%</b>	<b>\$800,000</b>	<b>\$1,500,000</b>

\* Every full-service forensic crime lab (DPS has 3 labs) gets a base of \$100,000.



## ARIZONA CRIMINAL JUSTICE COMMISSION

## Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 17, 2008	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Drug and Gang Enforcement Account Administrative Rules

**TO:** Chairperson and Commission Members

**FROM:** Tony Vidale, Program Manager

**RECOMMENDATION:**

The Commission approve the Drug and Gang Enforcement Account Administrative rule changes as recommended by the Drug, Gang and Violent Crime Committee.

**DISCUSSION:**

At the March 18, 2008 Commission meeting, staff was directed to open a rulemaking docket to revise the Drug and Gang Enforcement Account Administrative rules. Staff solicited input on program rule changes at two public meetings held in May and June 2008. A general explanation of the rule changes, with some notable changes are included on page 18; a summary of public testimony and staff response is on page 19; and a draft of the proposed program rules are found on pages 20-26. Once the Commission approves the proposed rules they will be sent to the Secretary of State's Office for a 30-day public comment period. Staff anticipates submitting the rule package to the Governor's Regulatory Review Council (GRRRC) in October 2008 and be placed on the December GRRRC calendar. Pending GRRRC approval, staff estimates the new rules will become effective February 2009.

The Drug, Gang and Violent Crime Committee will meet and make a recommendation to the Commission.

**FISCAL IMPACT:**

Significant to recipient agencies

**ALTERNATIVES:**

Not Approve - Modify - Table

**Drug and Gang Enforcement Account**  
**Arizona Administrative Code R10-4-401 through R10-4-406**  
**Summary of Changes**

The revisions to the Drug and Gang Enforcement Account rules are conforming changes consistent with the way ACJC currently administers the program, technical or clarifying changes consistent with Governor's Regulatory Review Council standards, and language that applies federal guidelines to the program with a few notable exceptions:

R10-4-402, G, 2

Income generated from program activities funded by the grant must be expended first before Drug and Gang Enforcement Account monies. The new rule includes both state and federal monies awarded under the grant that will be used as the basis for calculating program income. Under current rule, only federal monies are used for the basis of calculating program income. The net effect of the rule is that a larger portion of program income will be required to be spent on the approved project before state or federal funds are paid out to the agency.

R10-4-402, H

Match funds provided by the grant recipient are capped at 25% of the total project size.

R10-4-405

An appeal section is added that establishes a process for applicants to follow if there is disagreement with the proposed allocation plan. The process would make the proposal from staff available to applicants prior to the Committee meeting. An applicant can offer comment on the proposal to the Committee. If the applicant is in disagreement with the recommendation of the Committee, the applicant can appear before the full Commission to offer comment.

**Drug and Gang Enforcement Account**  
**Arizona Administrative Code R10-4-401 through R10-4-406**  
**Public Testimony**

Two public meetings were held on May 21, 2008 and June 10, 2008 to solicit input on the proposed rule changes to the Drug and Gang Enforcement Account rules.

Comment: One person commented on the number of rules that include "shall" language and whether some provisions should be softened to "may".

Staff recommendation: Staff reviewed all provisions of the rules that included "shall" and determined the majority were appropriate. There was one provision that staff changed in R10-4-406, C, that states the Commission may withhold Account funds from a grant recipient that fails to submit a required report within 60 days of the due date. This change was made to be consistent with the following sentence that states the Commission shall not reimburse a grant recipient for expenses incurred unless a financial report is submitted, unless other payment arrangement has been made with the grant recipient.

Comment: One person was concerned with ability of the Commission to set match requirements at any level and that agencies may be averse to applying for grant funds if the match commitment is unknown or set too high.

Staff recommendation: Language was inserted that capped the match level at 25% of the total program size. Historically, the match has never been set at a level greater than 25%.

**TITLE 10. LAW**

**CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION**

**ARTICLE 4. DRUG AND GANG ENFORCEMENT ACCOUNT ~~ADMINISTRATIVE~~  
~~PROGRAM GRANTS~~**

Section

R10-4-401. Definitions

R10-4-402. ~~Application~~ General Information Regarding Grants

~~R10-4-402.~~ R10-4-403. Grant Application

~~R10-4-403.~~ R10-4-404. Application ~~Review~~ Evaluation; Approval by the Commission Standards for  
Award

~~R10-4-404.~~ ~~R10-4-405.~~ Annual Report Appeals

~~R10-4-406.~~ Required Reports

## ARTICLE 4. DRUG AND GANG ENFORCEMENT ACCOUNT ~~ADMINISTRATIVE~~ PROGRAM

### R10-4-401. Definitions

In this Article:

1. "Account" means the Drug and Gang Enforcement Account established by A.R.S. § 41-2402.
2. ~~"Commission" means the Arizona Criminal Justice Commission, established by A.R.S. § 41-2404.~~
3. ~~"Approved Program or Project" means a program or project delivering services that meet the requirements of A.R.S. § 41-2402.~~  
"Applicant" means an approved agency or task force that submits an application for a grant from the Account.
4. ~~"Approved Agency agency" means a unit of state, county, or local, or tribal government providing services that meet the requirements of working to accomplish one or more of the goals established at A.R.S. § 41-2402(A).~~  
"Approved project" means a planned endeavor to accomplish one or more of the goals established at A.R.S. § 41-2402(A) for which a grant is made from the Account.  
"Commission" means the Arizona Criminal Justice Commission established by A.R.S. § 41-2404.  
"Committee" means the Drug, Gang, and Violent Crime Committee of the Commission.  
"Host agency" means an approved agency that submits a grant application and required reports on behalf of a task force.  
"Matching funds" means non-federal and non-Account money or program income that a grant recipient adds to a grant from the Account and spends to accomplish the goals of an approved project.  
"Program income" means funds generated as a result of the activities funded by a grant from the Account.  
"Task force" means multiple approved agencies from different jurisdictions that collaborate to accomplish goals established at A.R.S. § 41-2402(A).

#### **R10-4-402. Application General Information Regarding Grants**

- A.** The Commission shall annually request grant applications and make grant awards of Account funds.
- B.** The Commission's ability to make grant awards is contingent upon the availability of Account funds.
- C.** The Commission shall publish its priorities for grant awards in a report of the state's strategy for combating drugs, gangs, and violent crime. This report also includes the plan approved by the federal government and referenced under A.R.S. § 41-2402(F).
- D.** The Commission shall make all information regarding grants, including the request for grant applications and application and report forms, available on its web site.
- E.** The Commission shall ensure that training regarding grant application procedures and grant management are made available to interested approved agencies.
- F.** The Commission shall provide oversight of all grants awarded, which may include conducting a financial review or audit of a grant recipient, to ensure that Account funds are expended in compliance with all terms of the grant agreement and all applicable state and federal laws.
- G.** The Commission shall require that a grant recipient:
  - 1.** Provide matching funds in the amount specified in the request for grant applications; and
  - 2.** Spend program income for approved project activities before spending Account funds.
- H.** Match funds provided by the grant recipient shall be limited to a maximum of 25 percent of the total project budget.

#### **R10-4-402. R10-4-403. Grant Application**

- A.** An approved agency or task force may submit an application for a grant from the Account. If application is made by a task force, members of the task force shall identify a host agency.
- B.** ~~To apply for Account money, an approved agency~~ An applicant shall access, complete, and submit to the Commission ~~a written~~ the application for Account money containing the following form that is available on the Commission's web site. The applicant shall provide the following information:
  - 1.** Title of the application and proposed project;
  - 2.** Purpose specified in A.R.S. § 41-2402(A) that the proposed project will address;
  - 3.** Statement of whether the application is a request to continue a previously approved project;
  - 4.** ~~The name~~ Name and address of the applicant agency,
  - 5.** List of member agencies of the task force if the applicant is a task force;
  - a. 6.** ~~The name~~ Name of the ~~authorized official submitting~~ individual authorized to submit the application;

- ~~b.7. The name~~ Name of the ~~person with primary responsibility~~ individual responsible for administering and supervising the ~~approved program or proposed~~ project, and;
- e. ~~The name of the person responsible for fiscal matters relating to the approved program or project;~~
2. The amount of Account money requested;
3. ~~The purpose of the request for Account money, consistent with A.R.S. § 41-2402(A);~~
4. ~~The program or project title;~~
5. ~~The program or project description including:~~
- a. ~~The goals and objectives to be achieved by the program or project, and the method for evaluating the achievements of the program or project;~~
  - b. ~~The estimated amount of the applicant agency's funds and resources allocated to the program or project;~~
  - c. ~~The estimated total project cost;~~
  - d. ~~A detailed budget of how the Account money will be used;~~
  - e. ~~An estimated completion date; and~~
  - f. ~~The anticipated fiscal and operational impact Account money will have on the applicant agency.~~
8. Statement of the mission of the proposed project;
9. Statement of the current problem that will be addressed by the proposed project including data reflecting:
- a. The scope of the problem, and
  - b. The absence or inadequacy of current efforts to address the problem;
10. Summary of the proposed project that explains how the proposed project seeks to address the problem identified;
11. Description of collaborative efforts among law enforcement, prosecution, service providers, community organizations, social service agencies, or others that will be involved with the proposed project;
12. Description of the methodology that will be used to evaluate the effectiveness of the proposed project;
13. Goal of the proposed project stated in a manner that indicates what the proposed project is intended to accomplish;
14. Objectives that are specific, measurable, realistic, and directly correlated to the goal of the proposed project;
15. Detailed budget that includes:
- a. Total amount to be expended on the proposed project including both Account and matching funds,

- b. Estimated amount to be expended for various allowable expenses and the manner in which the estimate was determined.
- c. Sources of the required matching funds; and
- d. Statement of whether Account funds received will be used as matching funds for another grant program and if so, the name of the grant program and funding agency;
- 16. Date of the jurisdiction's current A-133 audit report;
- 17. Description of the internal controls the applicant will use to ensure compliance with all terms of the grant agreement;
- 18. Description of plan to sustain the project if Account funds are no longer available; and
- 19. Signature of the individual identified in subsection (B)(6) certifying that the information presented is correct and that if a grant is received, the applicant will comply with the terms of the grant agreement and all applicable state and federal laws.
- C. In addition to submitting the application form required under subsection (B), an applicant shall submit to the Commission:
  - 1. A copy of the jurisdiction's current A-133 audit report or if the jurisdiction does not have a current A-133 audit report, a copy of all correspondence relating to an extension of time to have an audit completed;
  - 2. A letter on official letterhead or another official document from each member agency of the task force if the applicant is a task force describing the manner in which the task force member intends to contribute to the proposed project; and
  - 3. If the applicants jurisdiction applied directly for federal criminal justice grant funding, a copy of the application.

**R10-4-403. R10-4-404. Application Review ~~Evaluation~~; Approval by the Commission Standards for Award**

- A. The Commission shall ~~review~~ ensure that each application that is submitted timely and proposes a project eligible for funding from the Account is evaluated. ~~and make a decision to~~ After the applications are evaluated, the Committee shall forward a recommended allocation plan to the Commission. The Commission shall grant or deny funding within 90 days of the last day on which applications may be submitted after the application deadline.
- B. If the Commission determines that it needs additional information ~~is needed~~ to facilitate its review of an application, the Commission shall:
  - 1. Request the additional information from the applicant ~~agency~~, or
  - 2. Request ~~application modifications~~ that the applicant modifies the application.
- C. ~~After review, the~~ The Commission shall approve ~~vote to approve or disapprove the application grant funding~~, in whole or in part, or deny funding on the basis of using standards prescribed in the



plan approved by the federal government for federal money deposited into the Account as provided and referenced under A.R.S. § 41-2402(F).

**D.** The standards referenced in subsection (C) include an assessment of whether the proposed project:

1. Is directed toward a problem that is demonstrated by statistical data;
2. Is designed to address the identified problem;
3. Is a coordinated effort among multiple approved agencies;
4. Has specific goals;
5. Has measurable and realistic objectives that relate to the goals;
6. Has appropriate methods for evaluating achievement of objectives;
7. Has a reasonable budget of allowable expenses;
8. Has identified the required matching funds;
9. Has internal controls to monitor expenditure of Account funds; and
10. If the program was previously funded, all grant requirements were met timely and there were no reportable deficiencies during monitoring reviews.

#### **R10-4-405. Appeals**

**A.** The proposed allocation plan will be made available to the applicant prior to the Committee meeting.

**B.** If an applicant disagrees with the proposed allocation plan, the applicant may verbally appeal to the Committee. The Committee may consider the appeal before forwarding the recommended allocation plan to the Commission.

**C.** If an applicant disagrees with the recommendation of the Committee, the applicant may verbally appeal to the Commission. The Commission may consider the appeal when making a final decision to award or deny a grant of Account funds to the applicant. The Commission decision is final.

#### **R10-4-404. R10-4-406. Annual Report Required Reports**

**A.** No later than September 30 each year, a grantee shall submit a written report to the Commission that contains:

1. The amount of Account money held by the grantee at the beginning of the fiscal year;
2. The amount of Account money received by the grantee from the Commission during the fiscal year;
3. The amount of Account money expended to achieve the goals and objectives stated in the application;
4. A narrative assessment of the effective and efficient use of Account money to meet stated goals and objectives during the fiscal year, including an assessment of enhanced efforts to deter, investigate, prosecute, adjudicate, and punish drug offenders and members of criminal street gangs;

5. ~~The amount and disposition of assets seized, money generated by fines, and other financial benefits generated by the grantee, as a result of the use of Account money; and~~
6. ~~Other information the Commission may request to comply with requests from the federal government for information related to the expenditure of federal grant money from the Account. The Commission shall annually prepare and submit the report required under A.R.S. § 41-2405(A)(11) and any report required by the federal government regarding the current criminal justice grant program. The Commission shall use data submitted by grant recipients as specified in the recipient's grant agreement to prepare these reports.~~
- B.** ~~The Commission shall compile this information in the annual report required under A.R.S. § 41-2405(A)(12) and forward it to the Governor, President of the Senate, and Speaker of the House of Representatives. The grant recipient is required to submit financial, activity, and progress reports documenting the activities supported by the Account funds to the Commission monthly and/or quarterly as specified in the grant agreement. The specific activity and progress reports required are determined by the nature of the project. A grant recipient shall submit the required report(s) by the 25th day following the end of the month or quarter in which the reported data was gathered. The grant recipient is required to cooperate and participate with any and all assessments, evaluation efforts or information and data collection requests from the Commission. The Commission has the right to obtain, reproduce, publish or use data provided and may authorize others to receive and use such information.~~
- C.** The Commission shall withhold Account funds from a grant recipient that fails to submit a required report within 60 days of its due date. The Commission shall not reimburse a grant recipient for expenses incurred until a financial report is submitted unless other payment arrangement has been made with the grant recipient.

# VII

## ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
July 17, 2008	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY09 Gang Prosecution Grant Award Reduction

**TO:** Chairperson and Commission Members

**FROM:** Tony Vidale, Program Manager

#### RECOMMENDATION:

The Commission approve a funding reduction plan that addresses an additional \$30,000 in general fund appropriation cuts passed by the legislature as recommended by the Drug, Gang and Violent Crime Committee.

#### DISCUSSION:

The legislature has appropriated \$864,200 in lapsing funds to the Commission in FY09, a \$130,000 reduction from the original FY08 general fund appropriation. This represents an additional \$30,000 deficit over the estimated reduction to this program discussed at the last Commission meeting on May 22, 2008.

At that time, the program reduction was estimated to be \$100,000 and the Commission agreed to cover the shortfall for this program with \$100,000 from the Drug and Gang Enforcement Account (DEA); leaving the program funding amount for FY09 at \$603,200 (*\$503,200 in general funds and \$100,000 in DEA funds*). In light of the final legislative appropriation, the Committee recommends seeking an additional \$30,000 from the DEA fund to bridge the deficit; thus, restoring the program funding size to \$603,200 (*\$473,200 in general funds and \$130,000 in DEA funds*).

The Drug, Gang and Violent Crime Committee will meet and make a recommendation to the Commission.

#### FISCAL IMPACT:

Significant to recipient agencies

#### ALTERNATIVES:

Not Approve - Modify - Table